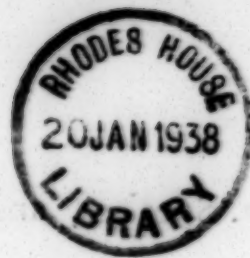


BY Steven Son & Stiles #2/10/-

T H E
M E M O R I A L, &c.
of Samuel Estwick.

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To the Right Honourable Lord GEORGE GERMAIN, his Majesty's
Principal Secretary of State for the Colonies, &c.

The Humble Memorial of SAMUEL ESTWICK, Agent for the Colony
of BARBADOS.

Sheweth,

THAT Major General Cuninghame, being appointed to the Govern-
ment of the island of Barbados, did, soon after his arrival there,
that is, on the 25th day of July 1780, make the following speech to the
Council and Assembly of the said island;

“ Gentlemen of the Council and Gentlemen of the Assembly,

“ I should not do justice to my own feelings, if I did not embrace the
first occasion of speaking to you from this chair, to declare the sense I en-
tertain of the honour done me by his Majesty's appointment, to the go-
vernment of this ancient and valuable colony.

“ The character which your ancestors have successively transmitted down
to you, of loyalty to the King and attachment to the constitution, you have
uniformly maintained; the preservation of that good order and tranquility,
which have reigned so long among you, undisturbed by violence or faction,
distinguishes the temper and wisdom of your councils: these are circum-
stances that have recommended and endeared you to your Sovereign, and
you have had experience of his Majesty's regard to your wants, by the am-
ple supply of provisions sent from England to this island, without any
charge of transport; the royal present of artillery and military stores for
your defence; and the large sums granted for the beginning and improving
the Mole-head; I must also mention another instance of his Majesty's gra-
cious intention to this island, at this time of public danger, in so speedily
sending out a successor to the late governor; and I shall be happy if in
executing his royal commands, I may contribute to the safety and prospe-
rity of this respectable part of his Majesty's dominions; at the same time,
I cannot but lament that the necessity of my sudden departure at this cri-
tical juncture, deprived me of the means I wished for, of continuing to
exert myself in forwarding those favourable dispositions of his Majesty,
and his ministers, for the welfare of this colony, flattering myself you are
apprised that I omitted no opportunity of urging, with zeal and activity,
every measure which I thought might contribute to the welfare of this
island.

B

“ Mr.

“ Mr. Speaker, and Gentlemen of the Assembly,

“ I have an equal confidence in your wisdom and liberality. I shall therefore forbear to represent to you the necessity of preparing for your defence, or to press for such supplies, as the works essential to your safety may require for their completion. The public money will, I hope, always be applied to such purposes, as will meet your approbation. I trust therefore you will not neglect to raise what may be fully sufficient for this important service. In your consultations on the subject, I shall be ready and happy to give you all the information and assistance which my former services in this country, and experience in my profession enable me to afford you.

“ Among many instructions I have received from the King, all framed for the good and welfare of the people of this island, there is one, which it seems necessary, and I believe has been usual to communicate to you without delay; I have therefore directed a copy of it to be made out, to be laid before you.

“ It would be indelicate in me to enlarge upon a subject in which I find myself so personally interested, I shall therefore submit it to your consideration, with the hope that an appointment, sufficient for the support of the dignity of government (and of your own honour) may be the result of your deliberations.

“ Gentlemen of the Council, Mr. Speaker, and Gentlemen of the Assembly,

“ I have the satisfaction of bringing you assurances from his Majesty's ministers, that every attention shall be paid to the safety and welfare of this colony, which its character and importance deserves.

“ The powerful naval force, which his Majesty has destined for the protection of this part of the empire, promises you the most perfect security, but it behoves you to reflect, that a state of war is ever in some degree a state of danger.

“ Let not your confidence, though founded in your experience of his Majesty's care of you, abate your exertions for your internal defence.

“ You have a numerous and respectable militia; but I apprehend, the laws which established it are become defective, and require revision. Tho' I entertain no doubt of a due attention in you to your present situation, it is so much my duty that I cannot forbear to recommend it to you, in the strongest manner, to frame such a militia bill, as shall give you all the advantages you may derive from your internal strength.

“ Whatever powers it may be judged proper to lodge in the commander in chief, I pledge myself shall be exercised with all the moderation which the nature of the service will justify.

“ I know of no other matters of which it is necessary to speak to you at present, nor shall trouble you with common professions--- my conduct alone must determine the character of my administration, which I feel can prove honourable to myself, only in the degree I shall make it happy to you.”

That

That the House of Assembly proceeded on the same day to take into their consideration the settlement of his Excellency's salary, and after due deliberation, the Speaker, attended by the House, carried up the Bill of Settlement, and presenting the same to his Excellency for his assent, expressed himself as follows:

" May it please your Excellency,

" By command of the House of Assembly, and with the concurrence of his Majesty's Council, I have the honour to present your Excellency with a bill to settle the sum of £. 2000 a year for the better support of your Excellency and the dignity of your government, during your Excellency's residence in the island; a free and voluntary gift of the people, in addition to the salary that is allowed your Excellency by the Crown, and which I must observe, arises also out of the produce of the lands of this unfortunate community; unfortunate, as I must indeed call them upon this occasion, when their representative body are obliged to appear before your Excellency, with an offering of so much less value than what they have been long accustomed to bestow upon your Excellency's more happy, tho' we acknowledge not more worthy predecessors: But such are now the melancholy circumstances of our country, so changed and reduced to what they were, that was I in this place to lay before you, Sir, a full and faithful representation of our wretched state, I might find myself involved in an awkward and particular distress; I might be led into an argument which would rather seem to shew that we had nothing to give, than serve to excuse ourselves to your Excellency that we can give no more; especially at a time, when to all other misfortunes, one heavy disappointment has been lately added, which seems to fill up the measure of them; the disappointment of that relief from the greatest of our burthens, which, on every principle of equity, as well as out of a tender regard to our deplorable condition, we had good reason to expect, as we had sought it, from the hand of government: Thus when, amidst the number and variety of evils, which had gone forth and spread themselves over the face of our whole country, to the destruction of many, and to the dread of all, we had yet one hope lying at the bottom for our comfort, we see that even this hope now is fled, and has left us destitute of every other resource, but in a rigid and determined saving of the little that remains to us; yet of that little we freely and cheerfully present your Excellency with a part, and such a part too, as, proportioned to our real circumstances, will abundantly testify the high regard we bear to so respectable a character, the affection that already begins to kindle in our bosoms at so amiable a deportment, Sir, as your's. Here then I will conclude with requesting your Excellency's assent to this bill; and by your gracious and ready acceptance of this, which is the best tribute of our benevolence we can afford, your Excellency will make us happy in that instance, as we are confident we shall find ourselves in every other, whilst you continue, Sir, to preside amongst us."

That

That his Excellency made the following answer :

“ I find, Gentlemen, that you have begun your reform of oeconomy with me. I hope you mean to go on with it, as I am persuaded there is an ample field. I flatter myself that you will believe that I shall endeavour to second you in every measure proposed for the advantage of this island ; but I shall not give any immediate assent to this bill, because by your resolve I am really convinced, that the attempt to force the ministers into a measure, *they are certainly inclined to adopt*, is more likely to retard, than forward their good intentions.”

That in pursuance of an adjournment to the 23d day of August, the House being met, agreed to and presented the following Address to his Excellency :

BARBADOS.

To his Excellency James Cuninghame, Esquire, Major-General of his Majesty's forces, and Captain-General, Governor, and Commander in Chief of this island, Chancellor, Ordinary, and Vice-Admiral of the same.

“ The Humble Address of the General Assembly.

“ May it please your Excellency,

“ WE the representatives of the people in their General Assembly, return your Excellency the sincere thanks of this house, for your obliging speech to the Council and this Assembly at our former meeting ; and sensibly affected as we are, by the honour done our country in the gracious testimony given by your Excellency, of the loyalty and attachment of its inhabitants to the King and the constitution of their parent state, we beg leave to assure your Excellency that these are principles, which, being transmitted to us from our ancestors through a series of more prosperous years, it has been our study, our ambition, to adhere to, with the greater zeal in seasons of danger and distress to which we have been exposed in our own less happy days. Deeply sensible of all the instances of his Majesty's paternal care and goodness to this his dutiful and affectionate colony under their various wants, whenever these have been admitted to a gracious hearing, we feel, on the repeated mention of them by your Excellency, the emotions of a new and lively gratitude for the royal favour : and to all the former marks of this, which we have not failed to acknowledge and express our humble thanks for, as becomes a grateful people, we are again made sensible of his Majesty's goodness in the early and judicious appointment of a gentleman of your Excellency's deserving character, to take this government upon him ; one in whom the talents to become eminently useful to our country at this juncture in the military line, are so happily united,
with

with such an amiable disposition of the mind, as to allow us to see with pleasure, the exertion of those peculiar powers for our safety, without a fear of danger to any of our civil rights. Nor are we uninformed of your Excellency's benevolent attention to the interests of this community on the other side of the water, upon your first appointment to take the lead in what concerns those interests; though, to our mutual ill fortune and regret, we have not been blessed with the best fruits of those good offices on this.

" But whilst we avow with pleasure the just sense of those particular obligations which we owe to our Gracious Sovereign, and his worthy representative, we are distressed by an equal sense of our unfortunate situation, which deprives us of the means of bestowing on your Excellency that full and substantial mark of our esteem, in an additional provision for supporting the honour of your government. which we are most desirous of making; since such are the distressful circumstances of the people of almost all ranks amongst us, that short as the tribute really is of our faithful inclinations, it is yet to the utmost extent of our ability; nor can any occasion make this assembly happier than some auspicious hour, in which we shall be enabled to testify the full and honest warmth of those inclinations on our parts, to the more perfect satisfaction, Sir, on your's.

" But for any farther supplies which your Excellency, on a review of the state of our fortifications, may think still wanting for our defence in those works, after all the immense expence which our country has been put to formerly, and of late times, when we could so ill afford it, and when, besides the large sum last voted by the House of Assembly for this very service, a still farther sum has been laid out by the commissioners of fortifications, that now remains as a debt on our finances, and must create a general distress and dissatisfaction in levying it on the public; after all these expences, Sir, if these works should be found insufficient for our security, and any new ones be deemed indispensibly necessary, this house must throw themselves upon the justice or favour of his Majesty, to take that charge upon the Crown, since the people of this country are utterly destitute of the means of raising such supplies, however fatal the consequences of our inability may prove to our very preservation; upon his Majesty's wonted goodness we shall therefore rely, in this extremity, whilst we receive, with all imaginable regard, the agreeable assurances which your Excellency is pleased to make us from his Majesty's ministers, of their attention to the safety and welfare of this colony, important, as we are sensible, from its situation, this island must be to the mother country, no less than dear, under all its present disadvantages, to ourselves.

" The powerful naval force destined for the protection of this part of the empire, and which has been so nobly and gallantly exerted by the present commander in chief, for his own honour and the nation's glory, as well as to our particular satisfaction, cannot but make a suitable impression on our minds: And yet how great soever our confidence may be, both in keeping up that force, and in the continued brave exertion of it, we acknowledge,

with your Excellency, the propriety of attending, as far as we can make that attention efficacious, to our own internal defence. And, for this purpose, we are ready to enter into such a revision of our militia law, as your Excellency is pleased to recommend to us, and to adopt some more practicable plan than is in force at present, which may serve to form our numerous body of people into a more respectable militia; nor shall we harbour the least distrust of any ungenerous advantage which the necessary investiture of any new powers on that occasion in your Excellency, may expose us to; powers, which, were we assured that your Excellency's political existence in this country could be made happily coeval with its own, we should have no apprehension of granting without reserve, but entrusted as we particularly are, with the care of those most valuable of all rights, our civil liberties, it is our duty to guard on such an occasion, with more than common strictness guard against, all contingencies, and provide for times, which, from some painful experiences of the past, we may fear to find no less unfavourable in the future. Yet under your Excellency's benignant auspices, we flatter ourselves, that such an excellent system of defence may be agreed upon, as, whilst it grants all the powers necessary for establishing the best military force amongst us, may yet leave every civil right unhurt, in whatever hands the future command of that force may be devolved for our protection.

" We cannot conclude this address, without expressing our particular thanks for the very generous sentiment with which your Excellency has been pleased to close your speech; nor without assuring your Excellency in return, that whatever may be the benefits we shall enjoy under your mild and equal administration, we can be happy only as we are just, in rendering your Excellency's government, as far as we have the power to render it, easy and honourable to yourself."

That the House being further adjourned to the 5th of September, and being then met, the following answer of his Excellency to the address of the Assembly was laid before the House:

" Mr. Speaker, and Gentlemen of the Assembly,

" Nothing can be more agreeable to me than the warm professions you make of loyalty and attachment to the crown and constitution of Great Britain.

The flattering opinion and confidence you express towards me, I esteem as one of the greatest honours of my life. I wish *it* may induce you to render back to the proper branch of the constitution the appointment of those employments that you now dispose of, I mean the offices of Treasurer and Storekeeper, which I am persuaded is in a great degree the source of that profusion you so much complain of.

Your civil rights, consistent with the constitution of Great Britain, and the powers I am invested with, *in the arduous situation I am placed in, shall be exerted with temper and becoming firmness*; but I am sorry to observe, *the misfortunes you attribute to bad seasons, must, in a great measure, be owing to a corruption in the present system of your government, and the continual encroachments*

encroachments you have made, and are daily making, on the executive power, is partly the cause of that waste of the public money is notorious to every unprejudiced mind.

I am sorry the exertions I made before I left England, in favour of measures, that were esteemed for the advantage of this island, which your correspondents have done me but common justice in conveying to you, have been so *illiberally* requited, by your attempting to prescribe terms, so highly improper for me to acquiesce in, and to take a time to do it, when it is well known that the English salary does not exceed to your Governor 1450*l.* sterling a year, reduced by fees of office, and other defalcations, and when I can with truth assert, that since my arrival here, no perquisites have reached my hands. You ought to have reflected, when you made a provision for me, as the King's representative, the necessary expences attending my situation, from *the present high price of every article of expence*; and had your donation been more liberal, I should have thought it incumbent on me to have supported his Majesty's commission with more dignity, at a time when so many gentlemen of quality and distinction in the King's service reside among you.

Your fortifications are inadequate to your defence, and the most necessary works are intirely neglected; yet at the instant of time, when war and danger surround you, you do not hesitate to declare, that you no longer can or will raise further supplies for your protection: such a declaration must rejoice the common enemy, and this you are doing, when we have opportunities of procuring the advice of experienced and able officers; when you are so peculiarly fortunate as to have the presence of the Commander in Chief of his Majesty's forces in the Leeward Islands, renowned for his gallantry and zeal for the service, from whose wisdom and military talents we may hope for every assistance towards putting this island in a proper posture of defence.

The justice you do to the conduct and bravery of Sir George Rodney, and the sense you have of the powerful exertions by sea and land for your protection, must be pleasing to his Majesty.

I am rejoiced to receive your promise of revising the militia law, to which necessary measure I shall be ready to give my utmost assistance.

I must now, Gentlemen, intreat you in the most earnest manner, at this time of public danger, to lay aside *that spirit of contention*, which is but too visible in your proceedings, (and *which* I shall equally recommend to the other branch of the legislature) *to live with proper oeconomy*, the only means of retrieving embarrassed circumstances, to employ yourselves in framing wise laws, on the constitutional principles of Great Britain, which will restore credit to your finances and energy to your government, and that lustre to your island, which *formerly* upheld it as a model of order and loyalty to this part of his Majesty's dominions. Happy shall I be to contribute to so desirable and laudable an undertaking. Such a conduct will reflect honour on me, and will certainly meet with the most cordial reception from the best of Sovereigns.

Pilgrim, Sept. 5, 1780.

That

That the House, being adjourned to the 19th of the same month, and being again met, agreed to the following Memorial to his Excellency, and having directed the same to be presented in the usual form and manner, his Excellency refused to receive it :

BARBADOS.

To his Excellency James Cuninghame, Esquire, Major-General of his Majesty's forces, and Captain-General, Governor, and Commander in Chief of this island, Chancellor, Ordinary, and Vice-Admiral of the same.

“ WE the representatives of the people in their General Assembly, beg leave to present your Excellency with this Memorial, urged as we are to give your Excellency this trouble, in reply to the unexpected and unmerited answer which your Excellency has been pleased to send us to our former cordial and most respectful Address. To be silent on the occasion of receiving such a paper, full of accusations against this Assembly, might be construed, at least by your Excellency, as an acknowledgment of our guilt; and yet to reply to such a charge, in a manner equal to our sense of the injurious treatment, lays us under the greatest difficulty, when addressing ourselves to your Excellency, the representative of a Monarch, for whose person our respect must ever be held as sacred, as our duty to his government. Yet, under every disadvantage of this kind, we must begin with freely declaring to your Excellency, that although we expressed a readiness in our former address to place that generous confidence, which we thought due to your Excellency's character for mildness and moderation, in respect to any new powers that it might be necessary to invest your Excellency with in the better regulation of our military force, it does by no means follow, as a natural consequence, upon the extraordinary requisition which your Excellency has now been pleased to make upon us farther, that we should surrender into your hands that right, which the House of Assembly holds, of appointing the Treasurer and Storekeeper of the island; a right too, which this House has held time out of mind, by the peculiar grace and favour of the crown, for the security and satisfaction of an old and loyal colony; and which, as we verily believe, was granted with this farther benevolent design, of guarding the colony against those too natural mischiefs and disasters that might arise to us in placing the appointment, at some unlucky juncture, with a superior power. To surrender a right, then, of such importance to our country into the hands of a Governor, where we have no trace on record that it ever was entrusted (although your Excellency speaks of our rendering it back on that presumption) and appear to slight so honourable a mark of the crown's favour to the representative body of the people, their natural and chosen guardians; this, Sir, would be a sacrifice that must shew the present Assembly to be as unworthy of the esteem of our Sovereign, as of the confidence of our constituents. Nor can

can we conceive on what ground your Excellency has formed so ungenerous a persuasion as that the appointment of these officers in the House of Assembly is in a "great degree the source of that profusion which the Assembly have complained of." Since this Assembly cannot, of their own authority, order the payment of a single shilling out of the public treasure, or the delivery of a pound of gunpowder out of the magazine, for any purpose, public or private, whatsoever; but, by the laws of our country, every order for the payment of money out of the treasury lies with the Commander in Chief, for the time being, in council to give; and for the delivery of every barrel of gunpowder out of the magazine, the order is given by the Commander in Chief alone; so that if profusion, which we have indeed but too just reason to complain of, in both instances, be admitted by your Excellency, the fault cannot be charged on the Assembly, who have no particular interest in any, even the largest sums of money that may be expended, or the greatest quantities of powder issued out, though they have indeed an interest, in common with the rest of their countrymen, in the savings that might by any means be obtained of both.

We are obliged to your Excellency for those gracious declarations of indulgence which you are pleased to make us, in allowing the exertion of our civil rights; but, by the blessing of God upon the firmness of our own minds, we declare, that there is no civil right which this Assembly possesses by the laws and constitution of our country, which we will either cease to hold, or cease to exercise, whenever the good of our country calls upon us for their exertion, so long as those laws and that constitution remain in being to support us in the valuable tenure.

As much at a loss, Sir, as we were to learn by what means your Excellency could suppose the appointment of the two officers of Treasurer and Storekeeper was the source of that profusion so much complained of, we confess ourselves equally so to account for the observation which your Excellency is pleased to say you have been sorry to make, that "the misfortunes we attribute to bad seasons must be in a great measure owing to a corruption in the present system of our government;" and yet if this position be well founded, and capable of proof, happy might the event be to all our deluded fellow sufferers from those imaginary causes; since if all the wealth of this once flourishing colony, which we have been hitherto believing to be sunk by those bad seasons, has nevertheless been produced, and only sunk in the pockets of some corrupt set of men amongst us, this Assembly readily pledge themselves to join your Excellency in the most rigid inquisition into the crime; nor will we rest till we have procured such a confiscation of the plunder, along with the punishment of the delinquents, as may tend to the fullest satisfaction of their injured countrymen. But when your Excellency proceeds to charge this Assembly with "encroachments which they have made, and are daily making on the executive power, as being partly the cause of that waste of the public money, so notorious to every unprejudiced mind," we owe it to our own honour, in defence of ourselves, against so injurious an accusation, to defy your Excel-

lency to name the single instance in which we have illegally *encroached*, or *usurped*, upon the executive power in the course of our proceedings: nor are we conscious of having taken upon us the exercise of any power whatever, in which we have not been fully justified by the express laws of our country, or that we have exercised a single power intrusted to us by those laws, but from motives of the purest benevolence, for the end only of some public good.

But sorry, Sir, must we now declare ourselves to be on our parts, and greatly so, to see that this Assembly are again called to account by your Excellency, after all that we have so humbly and so respectfully offered in apology for ourselves, for that smaller sum granted to your Excellency for the support of your dignity than what was given to many of your predecessors; and we are the more affected at it, as your Excellency's resentment on this reduction of the Barbados salary has led us to a discovery so much to the disadvantage of the Crown, in respect to the loss your Excellency must sustain by the defalcations on your English salary moreover. Yet, with respect to ourselves, all that we can here farther urge in our excuse is, that we did not fail to give the consideration of the high prices of provisions amongst us, both of those that are imported and of our own national growth, the fullest weight; and remembering how greatly the inhabitants of the island have been for some years suffering, and still continue to suffer by this very evil, had we given that consideration all its force in our minds, it must rather have discouraged us from making any settlement at all, than that which we presented to your Excellency under every disadvantage. Nor can we in justice to ourselves forbear remarking, that the additional sum granted by this Assembly to the English salary, reduced as that is, to \$450*l.* a year, sterling, will be more than sufficient to answer all the purposes of supporting the dignity of your Excellency's government, even under all the unfavourable circumstances your Excellency has enumerated, since it is well known that a much smaller sum was expended by many of your Excellency's predecessors in the same high station, to support the honour and dignity of their government, and a large surplus hoarded by two of them at least, who survived to carry it off, for purposes in which the honour and dignity of this government had no share at all.

But as it was in regard to this unhappy point, your Excellency's salary, so in respect to the fortifications (the next subject of your Excellency's accusation of this Assembly) we have been governed in our resolution, not by choice, but by necessity; nor can your Excellency's mention of the name of so great and able a general as that of Vaughan, whom we are indeed happy to see stationed at this time amongst us, produce any other effect upon our minds than to aggravate the sense of our misfortunes, without adding one sting of reflection from any conscious blame, on the occasion, since to the particular merits of this worthy officer, the Assembly, Sir, are fully sensible; admiring in him all the spirit of antient chivalry, so happily improved by a full knowledge of all the more refined and modern art of war; and well assured too, that had he a proper army to lead on in this
part

part of America, as he had upon the other, the same rapid conquest would again distinguish his exploits, and leave us little to fear from the insufficiency of our own forts and fortresses. But, fond as we should naturally be, to avail ourselves of General Vaughan's assistance, so skilfully and generously as we know it would be given, how vain, and indeed how unworthy would it be in us to call it in, with so little ability on our side to render it of any real use to us; for as the supplies must be all immediately raised to answer the expence of any works that should be undertaken, no credit being to be gained from the inhabitants for the hire of their labour, or the materials they should furnish for the works, and as it is well known, moreover, that the taxes, which must be levied upon the people, to answer the positive demands of government both this year and the next, are more than what two-thirds of the community are able to pay without the utmost inconvenience, if not distress;—surely it would be folly or wickedness in this assembly to attempt to lay a further tax at such a juncture, when nothing less than ruin and oppression must be the consequence of it to our poor inhabitants.

But to proceed to the last article of your Excellency's impeachment of this Assembly for their conduct, we must beg leave to say, that if to assert and maintain the rights and privileges of our fellow-subjects, which are peculiarly entrusted to our care; if to resent indignity offered to us in the execution of that trust; if this be to shew a spirit of contention; it is a spirit which we hope will never depart from the representative body: but for any other spirit of contention, we disclaim the knowledge of it; and trust to your Excellency's calm reflection of your own undeserved attack upon the honour of this Assembly, not to place our present just remonstrance against the injury that has been done to us, to the account of any such contentious spirit.

In all other points your Excellency may depend upon our equal attention to the proper duties of our delegated charge; though we cannot but think that the enforcing a system of public œconomy, at this time, far more essentially necessary than the recommendation of a private one, (which the melancholy circumstance of the inhabitants must alone constrain without the voice of authority) since the latter can serve no other purpose, without the former, but that of pampering the Few at the expence of the Many.

Whether from our future conduct we shall be so happy as to exhibit such a model of order and loyalty, as in your Excellency's estimation may be worthy of being followed by this part of his Majesty's dominions, we will not presume to say; but of this we will assure your Excellency, that, in such conduct, we shall afford them, at least, the model of an uninfluenced and independent representative of a free yet loyal colony. And whether in this remonstrance we have been so fortunate as to exculpate ourselves from those heavy charges of corruption and usurpation which you, Sir, have been pleased to bring against us, we may be also doubtful; yet, we trust, that with the nation and its best of Sovereigns, we shall obtain this presumption in our favour, that had we been conscious to ourselves of guilt, we should have

have been at least so prudent as to endeavour to secure your Excellency's acquiescence, as we have done that of so many of your predecessors, at so moderate a price as that of one thousand pounds a year added to your salary, especially when this was to be paid, not out of our own pockets only, but out of the pockets of a whole people, how much sorer impoverished at large."

That the foregoing papers have been transmitted to the hands of your Memorialist, in order to be laid before your Lordship, for his Majesty's information, and being further instructed to furnish your Lordship with such other particulars as may be necessary to this end, your Memorialist, with respect to the papers themselves, will only observe, that when in the perusal of them your Lordship perceives his Excellency Governor Cuninghame declaring in his Speech to the Council and Assembly, on the 25th day of July 1780, that *Loyalty to the King, and attachment to the Constitution, good Order and Tranquility, Temper and Wisdom, were the characteristics of the Government of Barbados*; and on the 5th of the September following, within the space of six weeks, maintaining, in his answer to the Address of the Assembly, that *the Government of Barbados was corrupt in its system, was administered with profusion, was employed in continual encroachments on the executive power, and was actuated by the spirit of contention in its proceedings*; and this without any one Act of Government having been performed to alter his opinion save and except indeed a Vote of the House of Assembly for apportioning his Excellency's Salary to the then Wants and Distresses of the country, the Government of Barbados will need no other justification of itself, than what it will necessarily find in his Excellency's own contradictory accounts of it, and in the sordidness of the motive that gave occasion thereto.

That, added to these charges, malicious and ill-founded as they manifestly appear to be from his Excellency's own shewing, the refusal in him to receive (in violation of all precedent, and contrary to the fundamental right of every individual, and surely much more so of the representative Body of a whole People to lay their Grievances, whether real or imaginary, even before Majesty itself) the Memorial of the House of Assembly, in vindication of themselves; is a part of his Excellency's conduct which to mention is alone sufficient to express the censure that belongs to it.

That, with regard to his Excellency's Salary, the reduction of which is at once the cause of his dissatisfaction, and the reason of the injustice of his charges, enough has already been said: but as former transactions may serve to give light to the present occurrence, your Memorialist begs leave to state to your Lordship, that in the year 1703, the following instructions were given by her most gracious Majesty Queen Anne to Sir Beville Granville, Major-General of her forces, and then Governor of Barbados, to wit: — "Whereas several inconveniencies have arisen to our Government, in the Plantations, by Gifts and Presents made to our Governors by the
General



General Assemblies, We have thought fit, hereby to signify our express will and pleasure that neither you our Governor, nor any Governor, Lieutenant Governor, Commander in Chief, or President of the Council of our island of Barbados, for the time being, do give your or their consent to the passing any law or act, for any gift or present to be made to you or them by the Assembly: and that neither you nor they do receive any gift or present from the Assembly, or others, *upon any account, or in any manner whatsoever*, on pain of our highest displeasure, and of being recalled from that government. — And whereas the salary of 1200*l.* sterling, *per annum*, assigned out of the duty of four and a half *per cent.* arising in our island of Barbados, for the Governor in Chief of that island, may not be sufficient for his support, We have been graciously pleased to give direction that 800*l.* sterling, *per annum*, be farther added out of the said duty of four and a half *per cent.* to your present salary, and to the salary of the Governor of that, our island, for the time being, which, by such addition, will amount to 2000*l.* sterling *per annum*, and be a *competent maintenance for our Governor in Chief*. — And, whereas, by this increase of salary out of the duty of four and a half *per cent.* (*according to the intent of the Act of Assembly, whereby the same is granted for maintaining the Honour and Dignity of the Government, and for other public uses*) the General Assembly of Barbados will have an opportunity, and be in a condition of applying those large sums, which they usually gave in Presents to the Governors or Lieutenant Governors, by yearly levies, towards such other public uses as may be most necessary for the defence and safety of the said island, We do not doubt but that in consideration of our care in exempting our *good subjects* from this customary burthen of Presents, the said Assembly may be the more easily induced to contribute, in a more ample and effectual manner, to their own safety and preservation. And We do further direct and require that this declaration of our royal Will and Pleasure, be communicated to the Assembly at their first meeting after your receipt hereof, and entered in the Registers of our Council and Assembly, that all persons whom it may concern, may govern themselves accordingly. — That these instructions were uninterruptedly continued through the administration of several successive Governors, to the year 1722, when Henry Worsley, Esq; succeeding to the government of the island, contrived means to obtain the instruction (which now exists) “to accept of the settlement that the first Assembly should make on him;” and which, by raising a most destructive party in the country, he procured to be, in no less a sum than 6000*l.* sterling a year, in addition to the 2000*l.* out of the four and one half *per cent.* duty, making in the whole a salary of 8000*l.* sterling a year. That the House of Assembly now gaining wisdom from the experience of their folly, reduced, upon the accession of Lord Howe to the government, (although a man as universally beloved as he deserved to be so) the settlement of the island upon him to 4000*l.* Barbados currency, a year, and which at thirty-five *per cent.* exchange, is less than one half of the salary that his predecessor Mr. Worsley received. That Robert Byng, Esq; being next in succession, his settlement was established at 2000*l.*

currency likewise a year, which was *only one half* of the salary that had been settled upon Lord Howe; and which being the now settlement of his Excellency Governor Cuninghame, whilst it is neither without precedent as to the sum, nor without example as to the measure, and when these are added to the reasons of necessity that have been already suggested for the reduction of this salary, it is to be hoped that in this proceeding the present Assembly of Barbados will remain as unblameable, as the government of the island is undeserving of the foul and injurious aspersions that his Excellency has so unmeritedly cast upon it.

That as to the circumstances of the four and one half *per cent.* duty, which have been mentioned as a reason for granting his Excellency Governor Cuninghame a lesser salary than his predecessor had, the *partial* oppression that has been of late made use of in the collecting of this duty, the illegality of the measures adopted, the fruitless endeavours to obtain any relief, in short, the whole of this business is so well understood by your Lordship, and has been, so far as relates to yourself, so properly considered by you, that, after referring your Lordship to what was the sense of her Majesty Queen Anne, in her last mentioned instruction to Sir Beville Granville, respecting this duty, your memorialist is full well satisfied and willing to rest the report of this matter to his Majesty, entirely on your Lordship's own knowledge of the case.

That having stated these facts, your memorialist is now constrained to call for the attention of your Lordship, to the further unjustifiable and unwarranted proceedings of his Excellency Governor Cuninghame, in the case of the agent for the island of Barbados; a case which, as respecting your memorialist himself, he had been silent upon, but for its far greater concern to the island, than it is of importance to himself; and therefore, in the mention of which, your memorialist will beg leave to premise, that the agent of Barbados is, and has ever been considered to be, independently of the governor, the servant of the public there; that his appointment originates whence his salary is paid, in the House of Assembly; that the bill passes the council, and receives the assent of the governor; but that the assent of the governor is necessary only as a mere matter of form; and, as a proof of this, the correspondence of the agent is confined by an act of the island to a committee of the Council and Assembly, in which the Governor has no voice, direction or concern whatever; that the duty of his office is to transact the business of the colony in England, which oftentimes is of the greatest consequence to the country; and being in no instance more particularly so, than in doing what your memorialist is now in the very act of performing, namely, to carry to the ear of the Minister, in order to be laid at the foot of the Throne, the complaints of his Majesty's *distant*, though not less *loyal* subjects, for redress against the oppressions of their governors, it follows, that any interference in, or controul of the Governor, over this appointment, would be, in this instance alone, to defeat, with the reason of the institution, the very intent of the office. And yet, notwithstanding these circumstances of the agent's appointment, notwithstanding your memorialist

memorialist was, as he had been annually before, *unanimously* nominated by the Assembly and Council to the agency of the island, and notwithstanding it was well known, not only from the justice, but from the declarations of his constituents, that he having done nothing to deserve removal, but, on the contrary, to merit and obtain approbation, would continue to be the agent for the island, one of the first acts of his Excellency's administration was, in defiance of these considerations, to withhold his assent to the bill for the appointment of your memorialist to the agency of the island; and, what is more extraordinary, for the following reasons: First, "That his salary had been reduced by the Assembly, in consequence of a letter which the agent had written to the island;" and, secondly, "That the Minister had informed him (making use of the name of the Minister, which your memorialist, for decency sake, wishes to omit) that the agent being a Member of Parliament, was no unactive man in the opposition, and that it was wrong and impolitic in him to be so:" to which, conceiving the right of a governor in the removal of an agent to be none, and not knowing upon what ground a Member of Parliament in the opposition is disqualified for the office of a colony agent, your memorialist will not trouble your Lordship with any reply: but even supposing the right; and, with respect to the first reason, admitting the fact, (which, however, your memorialist is ready to disprove) it is, perhaps, the first instance in a representative of his Majesty, where so *selfish* a motive, as a reason for so *public* a measure was ever assigned. And as to the second reason, it being certain that by his Excellency's withholding his assent to the bill, when he might have put his negative upon it, he not only afforded an opportunity to your memorialist of being *no longer* in the opposition, but, in consequence of this, of procuring the *favour* of his Excellency's *no longer* withholding his assent to the bill, in what light this ought to be viewed is rather fitting for your Lordship to consider, than left for your memorialist to express.

That with this view of his Excellency's conduct your memorialist had now hoped to have ended. He conceived that the late dreadful calamities that had befallen the island, might have effected what other considerations could not have produced, and he presumed to conclude, from the change of circumstances which, by his Excellency's own account, had taken place in that country, that a change in his proceedings had necessarily ensued: but instead of this, the very reverse has been the result, calamity serving but to sharpen the appetite of his Excellency's rapacity, and distress but to add rigour to the already unjust exercise of his power.

That the House of Assembly, from adjournment on the 19th of September to the 3d of October, having met, was further adjourned to the 31st of the same month; and although the hurricane, of the consequences of which it is here unnecessary to speak, happened on the intermediate 10th day of that month, his Excellency not only neglected to call the House of Assembly together, in order to take the sense and advice of the representatives of the people, concerning what was proper to be done for the good of the public, upon so lamentable and important an event, and to give them,

them, at the same time, an opportunity of joining in a representation of this occurrence with the Members of his Majesty's Council to the Throne, as ever before had been usual, when any general necessity called for the occasion; but, by a *partial* call of the Council, on the 20th of that instant, and as if to throw a stigma upon the House of Assembly, and to make its members appear in the eye of their Sovereign as refractory, and wanting in the discharge of their duty, received the humble and dutiful Address of the Council alone, to his Majesty, and, without any notice of, or Address from, the House of Assembly, seperately transmits the same to the hands of your Lordship.

That the House of Assembly meeting on the 31st of October, their first business was to do what they had had the first opportunity only of doing, namely, to agree to that humble and dutiful Address of theirs to his Majesty, upon the subject of the hurricane, which your memorialist had the honour to deliver to your Lordship; and then, strange to be told, if stranger things were not yet to come forward, as if blind to that miserable state of the country, which the sense of sight only was alone sufficient to discover, the very first proposition of his Excellency to the Assembly was, *to pass a Levy bill, in order to raise taxes upon the people*; a Levy-bill, which, before the hurricane, the Assembly had *unanimously* rejected; and, to raise taxes upon a people, who now, from the general ruin and devastation that had overspread the whole face of the country, had not only nothing to pay, but were at the very time actually trembling under the apprehensions and dread of a famine.

That the Assembly met on the 7th of November, when they agreed to the following Petition, as taken from the original herewith presented to your Lordship; and soon after his Excellency, as the last act of his power, dissolved the Assembly, thereby leaving the island in a state of anarchy and confusion, when order and good government were never so necessary and wanting.

BARBABOS.

To the King's Most Excellent Majesty.

Most Gracious Sovereign,

We your Majesty's most loyal and dutiful subjects, the Members of the General Assembly of this island, with hearts devoted to your Majesty's interest, and the strongest attachment to your Person and Government, are constrained with grief and sorrow to supplicate the gracious interposition of your Majesty's royal authority in protection of the rights and liberties of the inhabitants of this island, much affected and injured by an order of the Governor and Council made on the 29th day of September last, establishing new and oppressive fees, to be paid to the secretary of this island, for the use of the said Governor, on all Writs, Orders, Processes and Papers, issued by him or in his name, in the Courts of Justice, Ordinary, Council, as Com-
mander

mander in Chief, and, in short, in all cases and instances whatsoever: an Order so extraordinary and unprecedented that no former Governor or Commander in Chief, however arbitrary or rapacious, ever attempted, in the most flourishing times of this once prosperous island, to set up such claims and pretensions. At this unhappy juncture, when your Majesty's distressed and afflicted people are ill able to bear even the necessary taxes, to impose upon them new and illegal burthens and exactions, is the highest cruelty. Nor can the representatives of your people, most Gracious Sire, see, without the deepest concern, the sacred name and delegated authority of your Majesty prostituted to the mean and sordid purpose of raising a revenue, for the Governor, to the great oppression of your Majesty's dutiful and loyal subjects, contrary to the ancient laws and statutes of Great Britain, which forbid your Majesty's ministers, of every rank and denomination, to take fee, gift or brocage on the disposal of places and offices, contrary to the ancient Charter of liberties, which provides that justice shall not be sold, contrary to immemorial usage, and subversive of the very principles of the British Constitution, and in direct opposition to an express law of this your Majesty's colony of Barbados, (confirmed by your Majesty's predecessors) intituled, "an Act for the certain and constant appointment of all officers fees within this island," which reserves the right of creating new fees for the public officers to the legislative body of the island. Notwithstanding too, your Majesty's gracious allowance to the Governor, for supporting the honour and dignity of his station, to which this Assembly added, on Major-General Cuninghame's arrival, the further sum of two thousand pounds of current money, *per annum*, during his residence in this island. Thus circumstanced, your Majesty's people are driven to apply to their beloved Sovereign for redress of these unmerited, and unexampled usurpations: tending to take from the legislative body the right of raising taxes and appropriating the public money, and to fix the same in the hands of the Governor and Council: besides the further power not only of suspending the laws of this island, and the constitutional rights of the people, but also of suspending and setting aside the laws and statutes of your Majesty's kingdom of Great Britain.

In proof and support of this charge, we humbly beg leave to refer to the proceedings of the Governor and Council on the said 29th day of September. We therefore beseech that your Majesty, in compassion to this your loyal and oppressed colony, will be graciously pleased to remove from your Government of Barbados Major-General James Cuninghame.

And your Majesty's dutiful and loyal subjects the Members of the General Assembly of Barbados do further humbly supplicate your Majesty to shew such marks of your Royal Displeasure towards those of your Majesty's Counsellors in the said island, who concurred in the proceedings of the said 29th day of September, as your Majesty, in your great Wisdom and fatherly

therly affection to your aggrieved and distressed subjects may deem them to deserve.

And this Assembly, as in duty bound, will ever pray for your Majesty's Health, Glory and Felicity, for the success of your Arms by Sea and Land ; and that your Majesty and your Royal House may abound in every Gift and Blessing at the disposal of a liberal and gracious Providence.

By Order of the House,

JOHN GAY ALLEYNE, Speaker.

House of Assembly, Nov. 7, 1780.

That the above petition being sufficiently full and explanatory of itself, it now only remains to your memorialist most humbly to pray, that in support of the allegation hereof, his most gracious Majesty will be pleased to direct, that your memorialist may be allowed to produce the evidence with which he is furnished, and, by his Counsel learned in the law, be at liberty to be heard thereupon.

SAMUEL ESTWICK, Agent
for the colony of Barbados.

*Lower Berkley-street, Portman-square,
February 14, 1781.*



